

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Kevin P Kowalczyk
Debra L Kowalczyk**
Debtor(s)

Bankruptcy Case No.: 17-23687-CMB
Issued Per Jan. 11, 2018 Proceeding
Chapter: 13
Docket No.: 35 - 19
Concil. Conf.: April 12, 2018 at 03:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 2, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,111 as of January 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 12, 2018 at 03:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 3 .
- ☒ H. Additional Terms: The secured claim of AmeriCredit Financial Services at Claim No. 5 shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: January 19, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kevin P Kowalczyk
 Debra L Kowalczyk
 Debtors

Case No. 17-23687-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 41

Date Rcvd: Jan 19, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 21, 2018.

db/jdb
 cr +Kevin P Kowalczyk, Debra L Kowalczyk, 285 Huston Rd., Ford City, PA 16226-4411
 +Americredit Financial Services, Inc. A/C dba GM Fi, P O BOX 183853,
 Arlington, TX 76096-3853
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14741524 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: AmeriCredit Financial Services, Inc., A/C dba GM Financial,
 P O Box 183853, Arlington, TX 76096)
 14707889 +Allegheny ENT Associates, 100 Delafield Road, Suite 207, Pittsburgh, PA 15215-3247
 14707891 Armscare Inc., 1 Nolte Drive, Suite 430, Kittanning, PA 16201-7111
 14692549 Armstrong County Memorial Hospital, 1 Nolte Drive, Kittanning, PA 16201-7111
 14707893 +BHS Faster Care PLLC, PO Box 1549, Suite 550, Butler, PA 16003-1549
 14707894 CBCS, PO Box 2724, Columbus, OH 43216-2724
 14707895 Comcast Cable, PO Box 3002, Southeastern, PA 19398-3002
 14692551 Ditech Financial LLC, PO Box 9058, Temecula, CA 92589-9058
 14707901 +E.R. Doctors at Pointe Coupee, 2202 False River Drive, New Roads, LA 70760-2614
 14692553 ECMC, PO Box 16408, Saint Paul, MN 55116-0408
 14707903 Emergency Medical Associates PC, PO Box 200702, Pittsburgh, PA 15250-0702
 14692554 +Family Counseling Center of Armstrong Co, 300 South Jefferson Street,
 Kittanning, PA 16201-2416
 14692555 +GM Financial & Americredit Financial Svc, PO Box 183853, Arlington, TX 76096-3853
 14707906 GS Services Limited Partnership, 3300 Gulfton Street, Houston, TX 77081
 14707907 +Hose Company #6, c/o Collection Service Center, PO Box 1623, Butler, PA 16003-1623
 14707911 JP Recovery Services Inc., 2022 Center Ridge, Suite 370, Rocky River, OH 44116-3501
 14707912 JSO Assoc In Path and Lab, 5700 Southwyck Blvd, Toledo, OH 43614-1509
 14707910 James Nemec, DMD, c/o Collecetion Service Center, PO Box 1623, Kittanning, PA 16201
 14707913 +Keystone Rehabilitation Systems, 169 Columbia Avenue, Vandergrift, PA 15690-1101
 14707914 Montgomery Lynch & Associates, Inc., PO Box 22720, Beachwood, OH 44122-0720
 14707915 +National Recovery Agency, 4201 Crums Mill Road, Harrisburg, PA 17112-2893
 14692558 Navient & USA Funds, Attn: Bankruptcy Dept., PO Box 9430, Wilkes Barre, PA 18773-9430
 14696812 Navient Solutions, LLC on behalf of USA Funds, Attn: Bankruptcy Litigation Unit E3149,
 PO Box 9430, Wilkes, Barre, PA 18773-9430
 14707917 +Penn Credit Corporation, 916 South 14th Street, Harrisburg, PA 17104-3425
 14719559 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 North Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14707918 +Plains Commerce, P.O. Box 88020, Sioux Falls, SD 57109-8020
 14707920 #+Portfolio Recovery Associates, c/o Scott Morris, Esquire,
 Blatt, Hasenmiller, Leibsker & Moore, 1835 MARKET STREET SUITE 501,
 Philadelphia, PA 19103-2933
 14707921 Quad County Oral Surgery, 114 Eat Diamond Street, Butler, PA 16001
 14707922 +Tri Rivers Surgical Associates, 142 Clearview Circle, Butler, PA 16001-1565

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bkmailbayview@bayviewloanservicing.com Jan 20 2018 02:32:06
 Bayview Loan Servicing, LLC, et al, 4425 Ponce De Leon Boulevard, 5th Floor,
 Coral Gables, FL 33146-1837
 14692550 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 20 2018 02:46:43 Capital One Bank,
 c/o Portfolio Recovery Associates, P.O. Box 12914, Norfolk, VA 23541-0914
 14707896 +E-mail/Text: ccusa@ccuhome.com Jan 20 2018 02:30:52 Credit Collections USA,
 256 Greenbag Road, Suite 1, P.O. Box 873, Morgantown, WV 26507-0873
 14707897 E-mail/Text: mrdiscen@discover.com Jan 20 2018 02:30:54 Discover Financial,
 P.O. Box 15251, Wilmington, DE 19886
 14707898 +E-mail/Text: Bankruptcy.Consumer@dish.com Jan 20 2018 02:31:29 DISH Network L.L.C.,
 9601 S Meridian Blvd., Englewood, CO 80112-5905
 14692556 E-mail/Text: cio.bncmail@irs.gov Jan 20 2018 02:31:02 Internal Revenue Service,
 1000 Liberty Avenue, Room 705, Pittsburgh, PA 15222
 14707919 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 20 2018 02:39:58
 Portfolio Recovery Associates, P.O. Box 12914, Norfolk, VA 23541
 14698935 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jan 20 2018 02:31:15
 Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946,
 Harrisburg, PA 17128-0946
 14707923 +E-mail/Text: bnc-bluestem@quantum3group.com Jan 20 2018 02:32:14 WebBank,
 215 State St Suite 1000, Salt Lake City, UT 84111-2336

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO

cr

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 41

Date Rcvd: Jan 19, 2018

14707890* ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
(address filed with court: Americredit Financial Services, dba GM Financial, PO Box 183853, Arlington, TX 76096)

14707892* Armstrong County Memorial Hospital, 1 Nolte Drive, Kittanning, PA 16201-7111

14692552* Ditech Financial LLC, PO Box 9058, Temecula, CA 92589-9058

14707899* Ditech Financial LLC, PO Box 9058, Temecula, CA 92589-9058

14707900* Ditech Financial LLC, PO Box 9058, Temecula, CA 92589-9058

14707902* ECMC, PO Box 16408, Saint Paul, MN 55116-0408

14707904* +Family Counseling Center of Armstrong Co, 300 South Jefferson Street, Kittanning, PA 16201-2416

14692557* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, 1000 Liberty Avenue, Room 705, Pittsburgh, PA 15222)

14707908* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, 1000 Liberty Avenue, Room 705, Pittsburgh, PA 15222)

14707909* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, 1000 Liberty Avenue, Room 705, Pittsburgh, PA 15222)

14707916* Navient & USA Funds, Attn: Bankruptcy Dept., PO Box 9430, Wilkes Barre, PA 18773-9430

14707905 ##+General Revenue Corporation, 11501 Northlake Drive, Cincinnati, OH 45249-1669

TOTALS: 1, * 11, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 21, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 19, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWABS 2006-BC3) bkgroup@kmlawgroup.com

Kenneth Steidl on behalf of Joint Debtor Debra L Kowalczyk julie.steidl@steidl-steinberg.com, ken.steidl@steidl-steinberg.com; ifriend@steidl-steinberg.com; asteidl@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com; todd@steidl-steinberg.com; cgoga@steidl-steinberg.com; rlager@steidl-steinberg.com

Kenneth Steidl on behalf of Debtor Kevin P Kowalczyk julie.steidl@steidl-steinberg.com, ken.steidl@steidl-steinberg.com; ifriend@steidl-steinberg.com; asteidl@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com; todd@steidl-steinberg.com; cgoga@steidl-steinberg.com; rlager@steidl-steinberg.com

Kevin Scott Frankel on behalf of Creditor Bayview Loan Servicing, LLC, et al pabk@logs.com

Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 7